

firearm, or possesses a firearm ‘during and in relation to any crime of violence or drug trafficking crime,’” and that “Defendant was charged with possession in relation to a drug trafficking crime, not a crime of violence.” *Id.* at 5. Accordingly, the Government claims the court “should deny Defendant’s invitation to issue an advisory ruling interpreting the phrase ‘crime of violence.’” *Id.* The Government also reminds the court that “the BOP, not the sentencing court, controls how time to be served is computed,” and that the “BOP has exclusive jurisdiction to determine sentence credits for inmates in the first instance.” *Id.* The court agrees with the Government.

“After a district court sentences a federal offender, the Attorney General, through the BOP, has the responsibility for administering the sentence.” *United States v. Wilson*, 503 U.S. 329, 335 (1992). As noted by the Government, “[i]f Defendant wishes to challenge the calculation of his good time credits, he must first ‘exhaust his administrative remedies, and only then, if dissatisfied, may he seek review via 2241 habeas petition.’” [Doc. 117 at 5]. *See United States v. Jenkins*, 38 F.3d 1143, 1144 (10th Cir. 1994) (“As a result, Defendant must bring his request for sentence credit to the Bureau of Prisons in the first instance and thereafter seek judicial review of the Bureau’s determination.”). Moreover, this court lacks jurisdiction to consider a Section 2241 petition filed by Defendant. Assuming Defendant had exhausted his administrative remedies, Defendant would then be required to file his Section 2241 petition in the Eastern District of Kentucky, where he is imprisoned. “The plain language of the habeas statute thus confirms the general rule that for core habeas petitions challenging present physical confinement, jurisdiction lies in only one district: the district of confinement.” *Rumsfeld v. Padilla*, 542 U.S. 426, 443 (2004). Lastly, Defendant is not entitled to time credits under the First Step Act. *See* 18 U.S.C. § 3632(d)(4)(A) and (D). Defendant is serving a sentence for a conviction under § 924(c), and he is ineligible to receive time credits under 18 U.S.C. § 3632(d)(4)(D)(xxii).

Defendant’s Motion for Clarification [Doc. 114] is DENIED.

It is so ordered this 7th day of March, 2024.



THE HONORABLE RONALD A. WHITE
UNITED STATES DISTRICT JUDGE
EASTERN DISTRICT OF OKLAHOMA